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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE - EXAMINING GROUP 3710

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Bryan G. Hughes
Application No.	:	10/072,846
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For	:	LOTTERY METHOD AND SYSTEM

Examiner	:	Kim T. Nguyen
Art Unit	:	3713
Docket No.	:	400064.401
Date	:	May 13, 2005

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RESPONSE UNDER 37 CFR 1.116

Commissioner for Patents:

This is a Response to the Office Action mailed December 15, 2005, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire March 15, 2005. Enclosed are a Petition for an Extension of Time and our check to cover the fee for a two-month extension of time, to May 15, 2005. The Director is authorized to charge any additional fees due by way of this Response, or credit any overpayment, to our Deposit Account No. 19-1090. One hundred thirty-four (134) claims, including ten (10) independent claims, were paid for in the application. Claims 1-134 were previously canceled, and claims 135-156 were previously added. Claims 135-156 are pending.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claim 136 was "rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In particular, the Examiner stated that the claimed limitation "linking to a corresponding location on a network" is ambiguous and that "[I]t is not clear what should be linked to a location on the network". The Examiner further stated: "how can a concept (abstract object) be linked to a physical location of a network?" Claim 136 recites, *inter alia*, "in response to each of the received indications of the second type of action by the user, linking to a corresponding location on a network." The terms "link" and "linking" are well-known and well-defined in the field of computer networking and the Internet. The Microsoft Computer Dictionary defines link and hyperlink (by reference) as "a connection between an element in a hypertext document, ..., and a different element in the document." This entry further explains: "[t]he user activates the link by clicking on the linked element." JoAnne Woodcock, et al., *Microsoft Computer Dictionary*, 224, 269 (4th ed., Microsoft Press 1999.) Therefore, the claim language particularly points out that in response to an action by the user, such as clicking on a link, the link is activated and a connection is established with a location on a network, which corresponds to that link. Newton's Telecom Dictionary defines link as a verb: "to form a connection between two objects." Harry Newton, *Newton's Telecom Dictionary*, 416 (14th ed., Flatiron Publishing, 1998.) Therefore, the term "link" conveys an abstract notion of connecting two objects in a network environment. The locations of the objects are abstract, not physical. Claim 136 recites linking to a corresponding location (*i.e.*, logical) on a network, not a physical location on the network. Therefore, it is respectfully asserted that the meaning of linking in claim 136 is clear to those of ordinary skill in the art as establishing a connection with an abstract location/object on the network.

Rejections Under 35 U.S.C. § 103

Claims 135-156 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. (US Patent Application 2002/0002489, hereinafter, "Miller") in view of Leason et al. (U.S. Patent No. 6,251,017, hereinafter, "Leason").

Miller is generally directed to an Internet-based promotional business model which utilizes incentives to induce individuals to answer questions relating to a selected topic. Miller, page 1, ¶ 0001. The promotional business model comprises an Internet data center, a web server, a database and a software program to control the operation of the business. Miller, page 1, ¶ 0009-0010. One such incentive is an entertainment environment provided to a user by means of a lotto or other game. Miller, page 2, ¶ 0013. The promotional business model operates in one of two modes. In the first mode, three web pages are sequentially presented to the user for selecting and entering lotto numbers and selecting a category for wining prizes. The third page indicates whether the user has won a prize or not. Miller, page 4, ¶ 0068-0074. In the second mode, the user logs on to an Internet site, which can be a gaming web page, and four pages are sequentially presented to him. The user logs onto a page which contains numbers and a list of categories, selects and enters a set of lotto numbers, selects a category, selects a second set of lotto numbers and a first refinement of the category, selects a third set of lotto numbers and second refinement of the category, and is notified whether he has won a prize or not. At this point, the user has the option to continue or quit. Miller, page 4, ¶ 0077-0084.

Leason is directed to a lottery with a reward validation which may be redeemed online or in person. In particular, Leason teaches supplying icons to a customer at a retail establishment to encourage the use of the establishment's Website. The icons form a portion of a validation code which allows the awarding of e-points. The e-points may be exchanged by the customer for access to a limited access portion of the Website and/or services available via the Website. The relationship between the validation code and the number of e-points awarded may be predetermined or may be determined dynamically. Leason also teaches further encouraging

the customer to return to the establishment by allowing the redemption of e-points after registering the validation code via the Website.

Turning to specific claim language, independent claim 135 recites, *inter alia*, "providing a plurality of commercial icons associated with at least two different commercial entities for presentation to and selection by a user." As admitted by the Examiner on page 3, ¶ (a.) of the Office Action dated December 15, 2004, "Miller does not disclose providing commercial icons for selection." Miller discloses selection of lotto numbers by the user in the first and the second operational modes, as described above. Leason fails to supply the teachings missing from Miller. Leason does not teach or suggest use of commercial icons associated with *more than one commercial entity*. In fact, as noted above, Leason is principally directed at encouraging the repeat patronage of a customer with a specific retail establishment. There is no teaching or suggestion to concurrently encourage participation with two or more commercial entities. Such may provide a number of distinct advantages. For example, the costs of operating such a system and providing prizes may be distributed amongst a wider range of commercial entities allowing participation by smaller businesses and/or the awarding of larger prizes. Also, a consumer's interest may be heightened by a variety of commercial entities. Also, for example, consumer preference between various commercial entities may be tracked. Therefore, Miller in view of Leason does not teach or suggest the features recited by claim 135. Thus claim 135 is allowable.

Claim 142 depends from claim 135 and recites "changing an image in the commercial icons when a cursor is moved over the commercial icon by the user." Miller does not teach or suggest changing an image in the commercial icons when a cursor is moved over the commercial icon. Miller teaches that the user may "[s]elect and key-in a set of lotto numbers or select the quick pick option as also shown in FIGS. 6A and 6D." Miller, page 4, ¶ 0071, 0080. Leason fails to supply the teachings missing from Miller. Leason teaches that the "player validates the game card and redeems the e-point reward, if any, by entering the validation code into a redemption form presented on a display of the machine. Preferably, there are more icons

802 displayed in the redemption from than are printed on any game card 700." Leason, col. 6, lines 4-7 and 10-12. Leason provides for display of different icons by proliferating the static icons that the user can select from, not by varying the image on the icon when a cursor is moved over the icon. Therefore, Miller in view of Leason does not teach or suggest the features recited by claim 142. Thus claim 142 is allowable. Furthermore, claim 142 is allowable because it depends from claim 135.

Claim 136 depends from claim 135 and further recites "receiving a number of indications of a second type of action by the user identifying respective ones of the commercial icons; and in response to each of the received indications of the second type of action by the user, providing access to a corresponding location on a network to the user." Miller does not teach or suggest providing access to a corresponding location on a network to the user in response to selection of a commercial icon. Miller teaches selection of lotto numbers by the user in an early step, and selecting advertising category banners in a subsequent step unrelated to the step of selecting the lotto numbers. Miller, page 4, ¶ 0072-0073. Leason fails to supply the teachings missing from Miller. Leason teaches pre-printed game cards with an arrangement of icons matched against a winning combination of such icons. Leason, col. 8, lines 65-67 and col. 9, lines 1-2. Leason does not teach or suggest providing access to a corresponding location on a network to the user in response to selection of a commercial icon. Therefore, Miller in view of Leason does not teach or suggest the features recited by claim 136. Additionally, claim 136 depends from claim 135 and is thus allowable.

Independent claim 147 recites, *inter alia*, "receiving a number of indications of a first type of action by the user identifying respective ones of the commercial icons; receiving a number of indications of a second type of action by the user identifying respective ones of the commercial icons; in response to the received indications of the second type of action by the user, presenting an advertisement." Miller does not teach or suggest a first type and a second type of action by a user identifying commercial icons. Miller teaches that a user may "[s]elect and key-in a set of lotto numbers or select the quick pick option as also shown in FIGS. 6A and 6D." Miller, page 4, ¶ 0071, 0080. Furthermore, Miller does not teach or suggest presenting an advertisement in response to the second type of action. Miller suggests that the user "[s]elect a

particular advertising banner" in step 4 of the first operating mode, the step being separate and independent of the selection of lotto numbers performed in step 1 of the first operating mode. Miller, page 4, ¶ 0073. Leason fails to supply the teachings missing from Miller. Leason teaches that "[u]sing a mouse or other input device ... the player selects six icons ... by clicking a mouse button when the cursor is positioned over the icon." Leason, col. 9, lines 12-16. Thus, Leason teaches a single type of action with respect to selection of icons by the player/user. Furthermore, Leason teaches that "the customer may have to click-through several screens at the designated internet site to get to the redemption pages. This permits the game sponsors to present the player/customer with other information including advertisements ...." Leason, col. 13, lines 8-12. Thus, Leason teaches that the advertising presented to the user is in response to actions of the user, which actions are separate and independent of the selection of icons performed previously by the user. Therefore, Miller in view of Leason does not teach or suggest the features recited by claim 147. Therefore, claim 147 is allowable.

Independent claim 155 recites, *inter alia*, "presenting a plurality of commercial icons associated with at least two different commercial entities." As discussed above with respect to claim 135, Miller in view of Leason does not teach or suggest the features recited in claim 155. Therefore, claim 155 is allowable.

Conclusion

Overall, the cited references do not singly, or in any motivated combination, teach or suggest the claimed features of the embodiments recited in independent claims 135, 147 and 155, and thus such claims are allowable. Because the remaining claims depend from the allowable independent claims, and also because they include additional limitations, such claims are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above remarks, Applicant respectfully submits that all pending claims are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider

this application and timely allow all pending claims. Examiner Nguyen is encouraged to contact Mr. Abramonte by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. Abramonte by telephone to expediently correct such informalities.

Respectfully submitted,

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